

RECEIVED  
FEDERAL ELECTION  
COMMISSION

Dennis Rodoni 2016 DEC 19 AM 8:05  
PO Box 872  
Point Reyes Station, California 94956

OFFICE OF GENERAL  
COUNSEL

To: Jeff S. Jordan and Donna Rawls  
Assistant General Counsel  
Federal Election Commission  
Office of Complaints Examination and Legal Administration  
999 E Street, NW  
Washington, DC 20463

RE: MUR 7161

Dear Mr. Jordan and Ms. Rawls,

This letter is in regards to a formal complaint lodged against me, Dennis Rodoni, and my campaign, "Dennis Rodoni for Supervisor 2016" by Mr. Bart Bundesen. Mr. Bundesen is a resident at Novato, California, 94947. The complaint alleges that the campaign violated the Federal Election Campaign Act of 1971, as my campaign did not register as a political committee. The complaint specifically references a mailer (referred to in this letter and accompanying documents as the "Democratic Mailer," "Dem Mailer," or simply, "the mailer") which included a small area of print that endorsed both Hillary Clinton and Jared Huffman as part of my "Democratic Team." I asked my campaign manager to resolve the issue.

After calling the FEC helpline and consulting the complaint and your initial contact letter, my campaign manager concluded: (1) my campaign did not have to register as a political committee, and (2) my campaign also did not have to report the expenses associated with the endorsement on FEC Form 5 ("Report of Independent Expenditures Made and Contributions Received to be Used by Persons Other than Political Committee's"). His reasoning included the analysis and conclusion that the area on the Democratic Mailer dedicated to Ms. Clinton and Mr. Huffman was only 1.6% of the entire mailer. Finally, he concluded the cost for both Ms. Clinton's and Mr. Huffman's campaigns was \$112.82 each, well below the \$250 minimum threshold amount.

Please note that I initially forwarded the complaint to my campaign manager under the impression that he would resolve this issue immediately and expeditiously with your office. Unfortunately, my campaign manager believed there was no original filing requirement for the FEC Form 5 and due to this, replying to your letter would be unnecessary.

For this reason, I did not know that my team had not requested an initial extension within the 15-day period as instructed in your initial contact letter dated October 27, 2016. I respectfully ask that you grant us an extension of time for your review of the matter. I understand that this request is outside the time-period indicated in your initial contact letter and I ask that you excuse the tardiness of my request.

17044443116881

To expedite the process on my end, for your review are the following attached documents:

1. An analysis by my campaign manager as to why we do not meet the de minimis threshold, including a breakdown of the costs allocated to Ms. Clinton and Mr. Huffman's campaigns.
2. Copies of all costs of associated with the Democratic Mailer. Please note that the Democratic Mailer costs are highlighted for ease of review.
3. A copy of the mailer.

Thank you for reviewing this matter. Please contact me should you have any further questions or concerns regarding this. I am at your service.

Regards,



Dennis Rodoni

11-03-2011 10:00 AM



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

OCT 27 2016

Rodini for Supervisor 2016  
P. O. Box 872  
Point Reyes Station, CA 94956

RE: MUR 7161

Dear Sir or Madam:

The Federal Election Commission received a complaint that indicates Rodini for Supervisor 2016 may have violated the Federal Election Campaign Act of 1971, as amended (the "Act"). A copy of the complaint is enclosed. We have numbered this matter MUR 7161. Please refer to this number in all future correspondence.

The Act affords you the opportunity to demonstrate in writing that no action should be taken against Rodini for Supervisor 2016 in this matter. If you wish to file a response, you may submit any factual or legal materials that you believe are relevant to the Commission's consideration of this matter. Where appropriate, statements should be submitted under oath by persons with relevant knowledge. Your response, which should be addressed to the General Counsel's Office, must be submitted within 15 days of receipt of this letter. If no response is received within 15 days, the Commission may take further action based on the available information.

This matter will remain confidential in accordance with 52 U.S.C. § 30109(a)(4)(B) and § 30109(a)(12)(A) unless you notify the Commission in writing that you wish the matter to be made public. Please be advised that, although the Commission cannot disclose information regarding an investigation to the public, it may share information on a confidential basis with other law enforcement agencies.<sup>1</sup>

If you intend to be represented by counsel in this matter, please advise the Commission by completing the enclosed form stating the name, address and telephone number of such counsel, and authorizing such counsel to receive any notifications and other communications from the Commission. Please note that you have a legal obligation to preserve all documents, records and materials relating to the subject matter of the complaint until such time as you are notified that the Commission has closed its file in this matter. See 18 U.S.C. § 1519.

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<sup>1</sup> The Commission has the statutory authority to refer knowing and willful violations of the Act to the Department of Justice for potential criminal prosecution, 52 U.S.C. § 30109(a)(5)(C), and to report information regarding violations of law not within its jurisdiction to appropriate law enforcement authorities. *Id.* § 30107(a)(9).



Name of Complainant: Bart Bundesen

MUR # 7161

Address of Complainant: Novato, CA 94947

Respondent: 1. Dennis Rodoni  
2. Rodoni for Supervisor 2016 CA Campaign ID #1383042

Facts of Violation:

This complaint is against Dennis Rodoni, candidate for the candidate-controlled committee Rodoni for Supervisor 2016, California campaign identification number 1383042. Specifically, Rodoni for Supervisor 2016 has not registered as a political committee with the Federal Elections Commission nor filed independent expenditure reports with the FEC after engaging in independent campaign activity through mass mailing to advocate the election of two Federal Candidates.

On October 11, 2016 residents of the Marin County 4<sup>th</sup> Supervisor District in California received a mail piece from the candidate-controlled committee Rodoni for Supervisor 2016. (Copy of mail piece attached) On this mail piece, including support for Rodoni's own campaign, the piece calls for voters to "Vote Your Democratic Team" and then lists Federal candidates Hillary Clinton for President, and Congressman Jared Huffman for U.S. Congress. Each of the federal candidates will appear on the ballot of voters in the district. Additionally, the photo of each candidate appears in direct relationship with the words "Vote Your Democratic Team." Directly above the lead-in "Vote Your Democratic Team", the piece misleads voters by stating "Join Us in Supporting Democrat Dennis Rodoni for Supervisor", when in fact, neither of the federally-listed candidates have provided their support or endorsement to the candidate or candidate-controlled committee.

Documentation:

Attached - Copy of Mail Piece "Democrats Support Dennis Rodoni for Supervisor"

Signature of Complainant: [Handwritten Signature]

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Marin

Subscribed and sworn to (or affirmed) before me this 13 day

of Oct, 2016, by Bart Bundesen

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature [Handwritten Signature] (Seal)



UNCLASSIFIED

**DESCRIPTION OF PRELIMINARY PROCEDURES  
FOR PROCESSING COMPLAINTS FILED WITH THE  
FEDERAL ELECTION COMMISSION**

999 E Street, NW  
Washington, D.C. 20463  
FAX (202) 219-3923

Complaints filed with the Federal Election Commission shall be referred to the Enforcement Division of the Office of the General Counsel, where they are assigned a MUR (Matter Under Review) number and forwarded to Complaints Examination & Legal Administration ("CELA") for processing. Within five days of receipt of the complaint, the Commission shall notify all respondents referenced in the complaint, in writing, that the complaint has been filed, and shall include with such notification a copy of the complaint. Simultaneously, the complainant shall be notified that the complaint has been received. The respondents shall then have 15 days to demonstrate, in writing, that no action should be taken against them in response to the complaint. If additional time is needed in which to respond to the complaint, the respondents may request an extension of time. The request must be in writing and demonstrate good cause as to why an extension should be granted. Please be advised that not all requests are granted.

After the response period has elapsed, cases are prioritized and maintained in CELA. Cases warranting the use of Commission resources are assigned as staff becomes available. Cases not warranting the use of Commission resources are dismissed.

If a case is assigned to a staff person, the Office of the General Counsel shall report to the Commission, making recommendations based upon a preliminary legal and factual analysis of the complaint and any submission made by the respondent. The report may recommend that the Commission: (a) find reason to believe that the complaint sets forth a possible violation of the Federal Election Campaign Act of 1971, as amended, (hereinafter the "Act"); or (b) find no reason to believe that the complaint sets forth a possible violation of the Act and, accordingly, close the file.

If, by an affirmative vote of four Commissioners, the Commission determines that there is reason to believe that a respondent has committed or is about to commit a violation of the Act, the Office of the General Counsel shall open an investigation into the matter. During the investigation, the Commission has the power to subpoena documents, to subpoena individuals to appear for deposition, and to order written answers to interrogatories. A respondent may be contacted more than once by the Commission during this phase.

If during this period of investigation, a respondent indicates a desire to enter into conciliation, the Office of the General Counsel may recommend that the Commission enter into conciliation prior to a finding of probable cause to believe that a violation has been committed. Conciliation is an attempt to correct or prevent a violation of the Act by informal methods of conference and persuasion. Most often, the result of conciliation is an agreement signed by the Commission and the respondent. The Conciliation Agreement must be adopted by four votes of

the Commission in order to become final. After signature by the Commission and the respondent, the Conciliation Agreement is made public within 30 days of closing of the entire file.

If the investigation warrants, and no conciliation agreement has been entered into prior to a probable cause to believe finding, the General Counsel must notify the respondent of his/her intent to recommend that the Commission proceed to a vote on probable cause to believe that a violation of the Act has been committed or is about to be committed. The General Counsel shall send the respondent a brief setting forth his/her position on the legal and factual issues of the case. A response brief stating respondent's position on the issues may be submitted within 15 days of receipt of the General Counsel's Brief. Both briefs are then filed with the Commission Secretary and considered by the Commission. Thereafter, if the Commission determines, by an affirmative vote of four Commissioners, that there is probable cause to believe that a violation of the Act has been committed or is about to be committed, the Commission must conciliate with the respondent for a period of at least 30 days, but not more than 90 days. If the Commission is unable to correct or prevent any violation through conciliation, the Office of the General Counsel may recommend that the Commission file a civil suit to enforce the Act against the respondent. Therefore, the Commission may, upon the affirmative vote of four Commissioners, institute civil action for relief in the United States District Court.

*See* 52 U.S.C. § 30109 and 11 C.F.R. Part 111.

September 2014

The Rodoni for Supervisor 2016 campaign does not have to file an expenditure report (Form 5) or form a committee (Form 1) with the Federal Election Commission because the amount of money spent advocating for or against federal candidates in the Democratic mailer falls below the \$250 threshold needed to be reported.

Below are the reasons why this is the case and attached are supporting documents.

The first paragraph of the document titled "INSTRUCTIONS FOR PREPARING FEC FORM 5" states:

Every person, group of persons or organization, other than a political committee, that makes or contracts to make independent expenditures aggregating in excess of \$250 with respect to a given election in a calendar year must report these expenditures by submitting FEC Form 5 or a signed statement satisfying the requirements of 11 CFR 109.10. (Political committees that make independent expenditures shall report them on FEC Form 3X, Schedule E.)

Additionally, this threshold applies to each individual federal election we advocated for or against and not the aggregate total spent. In other words, it treats the portion of the mailer "for President Clinton" separately from the portion "for Congress Jared Huffman".

Aggregating independent expenditures for reporting purposes is covered in the Code of Federal Regulations, Title 11, Chapter I, Subchapter A, Part 104, Section 104.4 (f).

(f) Aggregating independent expenditures for reporting purposes. For purposes of determining whether 24-hour and 48-hour reports must be filed in accordance with paragraphs (b) and (c) of this section and 11 CFR 109.10(c) and (d), aggregations of independent expenditures must be calculated as of the first date on which a communication that constitutes an independent expenditure is publicly distributed or otherwise publicly disseminated, and as of the date that any such communication with respect to the same election is subsequently publicly distributed or otherwise publicly disseminated. Every person must include in the aggregate total all disbursements during the calendar year for independent expenditures, and all enforceable contracts, either oral or written, obligating funds for disbursements during the calendar year for independent expenditures, where those independent expenditures are made with respect to the same election for Federal office.

To determine the dollar amount of the Democratic mailer that was devoted to federal elections, the portion of the mailers addressing these races were measured. The rectangular areas of the mailer that have a headshot of Hillary Clinton with the text "For President Hillary Clinton" and a headshot of Jared Huffman with the text "For Congress Jared Huffman" occupy 1.6% of the entire mailer (front and back).

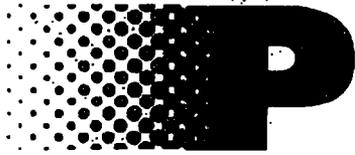
Next the final and total cost of the mailer was determined to be \$7051.31. This includes design, printing, postage, commission and mail data charges. The invoices for these expenses are attached.

Finally, the total cost of the mailer was multiplied by 0.016 to determine that the dollar amount spent on both the Presidential and Congressional elections was \$112.82 each. Well below the reporting threshold.

Below is a spreadsheet that sums up the cost calculation and amount spent advocating for Clinton and Huffman.

**Democratic Mailer Costs**

Mikko Design - Invoice # 2016-118	\$536.16
Pacific Print (printing/abs postage) – Invoice # 18722	\$4,547.55
Pacific Print (poll postage) – Invoice # 18722A	\$1,174.01
Next Generation (commission) - Invoice # DRM6-A1	\$397.95
Next Generation (mail data abs) - DRM6-D1	\$270.64
Next Generation (mail data polls) - DRM6-D1	\$125.00
<b>Total</b>	<b>\$ 7,051.31</b>
Clinton % of mailer	1.6%
Huffman % of mailer	1.6%
Cost regarding presidential	\$ 112.82
Cost regarding congressional	\$ 112.82



**Pacific Print Resources**  
**1259 Park Avenue**  
**Emeryville, CA 94608**

**Phone # 510-595-2205**

**Fax # 510-595-2219**

# Invoice

**Date Invoice No.**  
10/13/2016 18722

**Bill To:**

Next Generation  
1814 Franklin St., Suite 510  
Oakland, CA 94612

**Delivered To:**

Next Generation  
1814 Franklin St., Suite 510  
Oakland, CA 94612

**Job #**

18722

**P.O. Number Terms Rep Ship Date Via**  
Due on receipt JEL 10/7/2016

Quantity	Description	Amount
11,000	RODONI DEM MAILER	1,858.00
	MAILING SERVICE - ABS & POLL	795.00
	POSTAGE - ABS	1,718.04

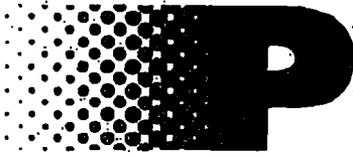
**Sales Tax (9.5%) \$176.51**

**Payments/Credits \$0.00**

**Balance Due \$4,547.55**

This invoice becomes due & payable upon receipt of goods.

In the event the purchaser does not pay the amount due within thirty (30) days from the date of the invoice, Pacific Print Resources may assess service charges not to exceed one-and-one-half (1 1/2) percent per month.



**Pacific Print Resources**  
**1259 Park Avenue**  
**Emeryville, CA 94608**

**Phone #** 510-595-2205  
**Fax #** 510-595-2219

# Invoice

**Date** 10/31/2016  
**Invoice No.** 18722A

**Bill To:**

Next Generation  
1814 Franklin St., Suite 510  
Oakland, CA 94612

**Delivered To:**

SAN FRANCISCO SCF

**Job #**

18722A

<b>P.O. Number</b>	<b>Terms</b>	<b>Rep</b>	<b>Ship Date</b>	<b>Via</b>
	Due on receipt	JEL	10/14/2016	

<b>Quantity</b>	<b>Description</b>	<b>Amount</b>
	MAILING SERVICE - RODONI DEM MAILER - POLL	305.00
	POSTAGE - POLL	869.01

**Sales Tax (8.75%)** \$0.00

**Payments/Credits** \$0.00

**Balance Due** **\$1,174.01**

This invoice becomes due & payable upon receipt of goods.

In the event the purchaser does not pay the amount due within thirty (30) days from the date of the invoice, Pacific Print Resources may assess service charges not to exceed one-and-one-half (1 1/2) percent per month.

1-800-444-1111



510.444.4710 phone  
510.444.4743 fax

1814 Franklin St. Suite 510  
Oakland, CA 94612

info@nextgeneration.org  
www.nextgeneration.org

11/1/16

## Invoice

Dennis Rodoni for Supervisor 2016  
P.O. Box 872  
Point Reyes Station, CA 94956

*Invoice for Commissions through November 1, 2016*

Date	Vendor	Description	Invoice	Applicable Amount	15% Commission (5% slates)
09/23/16	Pacific Print Resources	Corte Madera handout	18606	\$797.00	\$119.55
10/09/16	Pacific Print Resources	Sierra Club postcard	18700	\$349.00	\$52.35
10/09/16	Pacific Print Resources	Bio mailer	18680	\$3,159.00	\$473.85
10/13/16	Pacific Print Resources	Dem Mailer	18722	\$2,653.00	\$397.95
10/19/16	Pacific Print Resources	Enviro card	18777	\$2,574.00	\$386.10
				<b>Total:</b>	<b>\$1,429.80</b>
				Invoice No.:	DRM6-A1

Payable to: The Next Generation, 1814 Franklin Street, Suite 510, Oakland, CA 94612  
Employer ID No. 94-3243986

*Thank you for your business!*

NOV-14-2016 11:00AM



510.444.4710 phone  
510.444.4743 fax

1814 Franklin St. Suite 510  
Oakland, CA 94612

info@nextgeneration.org  
www.nextgeneration.org

11/8/16

## Invoice

Dennis Rodoni for Supervisor 2016  
P.O. Box 872  
Point Reyes Station, CA 94956

### Invoice for Data

<u>Count</u>	<u>Description</u>	<u>Amount</u>
9,972	Bio Mailer Data - absentee voters	\$325.69
3,287	Bio Mailer Data - poll voters	\$137.61
7,748	Democratic mailer data - absentee voters	\$270.64
2,737	Democratic mailer data - poll voters	\$125.00
8,302	Cow mailer - Dems only	\$284.40
3,421	Corte Madera mailer data - with Larkspur/Greenbrae, all parties	\$142.20
1,151	SG Valley mailer data - with Nicasio and Woodacre, all parties	\$100.00
3,593	Republican mailer data - HHs with a Rep	\$151.38
1,170	Mail data for new Marin County registrants	\$100.00
2,647	Pollution mailer data - Novato, all parties	\$125.00
13,644	Experience mailer data - all including new registrants	\$408.26
n/a	Duck mailer - including all new registrants but not west end	No charge
	<b>Total Due:</b>	<b>\$2,170.18</b>
	<b>Invoice No.:</b>	<b>DRM6-D1</b>

Payable to: The Next Generation, 1814 Franklin Street, Suite 510, Oakland, CA 94612  
Employer ID No. 94-3243986

*Thank you for your business!*

11/08/16 11:00 AM

1-800-444-1000

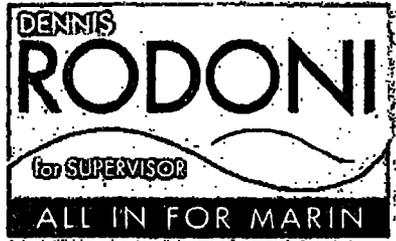
Rodoni for Supervisor 2016  
P.O. Box 872  
Point Reyes Station, CA 94956

Paid for by Rodoni for Supervisor 2016 PPC#1383042

# Democrats Support Dennis Rodoni for Supervisor



ALSO ENDORSED BY  
Sierra Club  
Marin County Young Democrats  
Marin Association of Public Employees  
Marin Professional Firefighters  
North Bay Labor Council, AFL-CIO  
Planned Parenthood Northern  
California Action Fund  
SEIU Local 1021  
Recommended by the Marin Women's  
Political Action Committee



## The Only Democrat for District 4 Supervisor

# Vote Democrat Dennis Rodoni for Supervisor

## Join Us in Supporting Democrat Dennis Rodoni for Supervisor

Dear Fellow Democrat,

I am proud to be a life-long Democrat and cherish the progressive values we hold so dearly: Protection of our environment and open space, social justice, reproductive freedom, a living wage and championing education, to name just a few.

As your next County Supervisor, I pledge to always stay true to our Democratic values and fight to maintain our unique quality of life.

I humbly ask for your vote on November 8.

*Dennis Rodoni*

VOTE YOUR DEMOCRATIC TEAM



For President  
Hillary Clinton



For Congress  
Jared Huffman



For Marin Supervisor  
Dennis Rodoni



"The Supervisor race in District 4 is critical to maintaining our quality of life and that is why I endorsed Dennis Rodoni. We need his experience, knowledge and independent voice on our Board of Supervisors. Dennis will be a Supervisor who will stand up for all Marin residents."

- Pat Eklund, Mayor of Novato



"Our Marin environment, parks, open space and quality of life will be in good hands with Dennis Rodoni on the Board of Supervisors. We have a great opportunity to put a strong environmentalist on the Board. Please vote Dennis Rodoni for District 4 County Supervisor, the clear environmental choice."

- Max Perrey, Chair, Executive Committee, Marin Group, Sierra Club

"Dennis is a life-long Democrat and the only Democrat in this race. He has never wavered in his commitment to progressive values and causes."

- Evelyn Woo (Co-Chair, 10th AD Democrats)



"For more than 35 years, Dennis has been active in community organizations that have protected our environment, looked after our seniors and stopped urban sprawl. We need a proven advocate like Dennis on the Board of Supervisors."

- Carla Madera Vice Mayor Diane Furst



### Vote Dennis Rodoni for Supervisor by Mail or at the Polls November 8

[www.RodoniForSupervisor2016.com](http://www.RodoniForSupervisor2016.com)

